

### REMARKS

This application, as amended herein, contains original claims 1-20 and newly added claims 36-50. Claims 21-35 have been cancelled without disclaimer or prejudice to presentation in a divisional application. Thus, fifteen claims have been cancelled, and fifteen dependent claims have been added. No additional claim fees are due. However, if this statement is in error, please charge the assignee's deposit account as authorized in this application.

Claims 1-2 and 20 were rejected under 35 U.S.C. 112, second paragraph. The language that the Examiner objected to has been removed from of the claims. It is thus submitted that claims 1-2 and 20 are now definite.

Claims 6 and 18 were rejected under 35 U.S.C. 112, second paragraph. The word "over" has been replaced with the word -within-- in as it relates to the temperature range. This change has been made throughout the claims. Support for this amendment can be found in the abstract and throughout the specification. It is thus submitted that claims 6 and 18 are now definite within the meaning of 35 U.S.C. 112, second paragraph.

Claims 5-8 were rejected under 35 U.S.C. 112 as being indefinite. This rejection is respectfully traversed. The Examiner is incorrect that the specification is void of any teaching of materials that are blended to produce a first/second image. In particular, support for such blends

of materials may be found in the last full paragraph on page 7 (the third paragraph of the Description of the Preferred Embodiments) and on page 13, paragraphs 3 and 4. These latter paragraphs specify that different liquid crystal mixes or blends are already commercially available which reflect different colored light at different temperature ranges. Thus, it is respectfully submitted that Claims 5-8 are definite.

Claim 13 was rejected under 35 U.S.C. 112 second paragraph. Claim 13 has been amended to remove the language objected to by the Examiner. Accordingly it is submitted that claim 13 is now definite.

Claims 1-2 and 4-15 were rejected under 35 U.S.C. 102(b) has been anticipated by Matsunami et al. Further claims 3 and 16-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunami et al. in view of Cooley et al. These rejections are respectfully traversed.

Claim 1, as amended herein, recites a temperature sensitive display medium for displaying a first image within a first temperature range and a second image within a second temperature range, wherein at least one image provides information about a condition of a product to which the display medium is attached. The condition is indicative of how to further process the product. Applicant's invention, as set forth in claim 1, thus provides a specific technical advantage, in that the condition of the product, based on its thermal history, is determined, and thus further, appropriate processing of the product can take place.

Matsunami et al. is directed merely to a thermochromic laminate member and a toy utilizing the same. The toy changes appearance with temperature. There is no teaching or suggestion in Matsunami et al. of a symbol representative of the condition of the product, which indicates how the product should be processed.

In view of the above, it is respectfully submitted that claim 1, and claims 2 and 4-15 which depend therefrom, are directed to patentable subject matter.

Claim 18 has been amended in a manner analogous to that of claim 1. For the reasons set forth above with respect to claim 1, and for the reasons set forth below, it is respectfully submitted that claim 18, and claims 19 and 20, which depend therefrom, are also directed to patentable subject matter.

With respect to the rejection of claims 3 and 16-20, which depend from claim 1, as unpatentable over the combination of Matsunami et al. in view of Cooley et al., it is respectfully submitted that Cooley et al. adds nothing of significance to Matsunami et al. Cooley et al. is directed to a tampered-indicating and authenticating label. The thrust of Cooley et al. is to be certain that the label has not been tampered with or removed from an article to which it is attached. Cooley et al. does not teach or suggest a display medium as set forth in claim 1, from which claims 3 and 16-20 depend, because Cooley et al. is not concerned with further processing of the product. For

the reasons set forth above with respect to claim 1, it is submitted that claims 3 and 16-20 are also patentable over the art of record.

Newly added claims 36-50, which all depend either directly or indirectly from claim 1, present a number of features of Applicant's invention not shown or suggested in the art of record. As these claims have not yet been examined, a detailed discussion will not be submitted herein. However, it is noted that most of the features of Applicant's invention recited in these claims all take advantage of the unique property of the display medium having at least one image that is representative of the condition of the product, and thus indicative of what further processing is appropriate for the product. Thus, the symbol may be read, and the product may be efficiently processed in accordance with the condition represented by the symbol. For the reasons set forth above with respect to claim 1, and because of the specific recitation within each of the newly added claims, it is submitted that claims 36-50 are all directed to patentable subject matter.

Thus, reconsideration and allowance of this application are respectfully requested. In view of the allowable nature of the subject matter of all of the claims, if the Examiner cannot issue an immediate allowance, it is respectfully requested that the Examiner contact the undersigned to resolve any remaining issues.

Applicant petitions for an extension of time of one month in which to file this paper. A check in the amount of \$110 is enclosed herewith to cover the fee.

Respectfully submitted,

David Aker

9/22/03

David Aker, Reg. No. 29,277  
23 Southern Road  
Hartsdale, NY 10530  
Tel. & Fax 914 674-1094

Date

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SEPTEMBER 22, 2003  
Date

David Aker  
Name of Person Making Deposit